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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/772,919	01/31/2001	Kazutaka Kochi	122.1435	9988
21171	7590	06/30/2005	EXAMINER	
STAAS & HALSEY LLP SUITE 700 1201 NEW YORK AVENUE, N.W. WASHINGTON, DC 20005			BOUTAH, ALINA A	
		ART UNIT	PAPER NUMBER	
		2143		

DATE MAILED: 06/30/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	09/772,919	KOCHI ET AL.
	<b>Examiner</b>	<b>Art Unit</b>
	Alina N Boutah	2143

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 07 February 2005.  
 2a) This action is FINAL.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-17 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-17 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
	6) <input type="checkbox"/> Other: _____

## **DETAILED ACTION**

### ***Response to Amendment***

This action is in response to Applicant's amendment filed February 7, 2005. Claims 1-17 are pending in the present application.

### ***Allowable Subject Matter***

The indicated allowability of claims 1-7 and 11-15 is withdrawn in view of the newly discovered reference(s) to Ballard in view of Kokai. Rejections based on the newly cited reference(s) follow.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 1-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over USPN 9,078,960 issued to Ballard in view of Japanese Unexamined Patent Publication No. 3-233751 to Kokai.

(AMENDED) Regarding claim 1, Ballard teaches a system operating a plurality of terminal equipments, comprising;

means for measuring operating time of each of a plurality of terminal equipments (figure 4A-B);

means for determining rotation candidates among said plurality of terminal equipments and sending terminal equipments rotation messages to said rotation candidates (col. 5, lines 12-41; col. 6, lines 31-48); and

means for backup processing data stored in said rotation candidate terminal equipments in accordance with said messages (abstract; figure 5).

means for downloading said data associated with one of said rotation candidate terminal equipments on another of said rotation candidate terminal equipment after the rotation between said one of said rotation candidate terminal equipment and said another of said rotation candidate terminal equipments has been completed (col. 2, lines 6-17; col. 5, lines 12-41; col. 6, lines 31-64).

However, Ballard does not explicitly teach determining rotation candidates based on respective accumulated operating times of the plurality of terminal equipments.

Kokai teaches collecting accumulating usage time of a plurality of terminal equipments (abstract and claim 1). At the time the invention was made, one of ordinary skill in the art would have been motivated to collect accumulating usage time of terminal equipments in order to centrally collect the status of the terminal equipments, therefore allowing administrators to control the equipments, thus facilitating the terminal maintenance.

(AMENDED) Regarding claim 2, Ballard teaches a system for operating a plurality of terminal equipments as set forth in Claim 1, wherein said operating time measuring means measures the

operating time of each of said plurality of terminal equipments which have applied to operating time confirming messages sent thereto by said operating time measuring means and holds accumulated operating time for each of said plurality of terminal equipment (col. 1, lines 59-67).

(AMENDED) Regarding claim 3, Ballard teaches a system for operating a plurality of terminal equipments as set forth in Claim 1, further comprising:

means for displaying said rotation messages on said respective rotation candidate terminal equipment (figures 4A-B); and

means for performing a backup process by transferring in accordance with said displayed message said data stored in said one of said rotation candidate terminal equipments from said one of said rotation candidate terminal equipments to another location (figure 5).

Claim 4 is similar to claim 1, therefore is rejected under the same rationale.

Regarding claim 5, Kokai teaches an administrative unit as set forth in claim 4, wherein said control means sends terminal measuring means confirms the receipt of replies to messages sent to said terminal equipments and then starts to measure the respective operating times of said plurality of terminal equipments (figure 1).

Regarding claim 6, Ballard teaches an administrative unit as set forth in claim 4, wherein said control means sends terminal equipments rotation messages to said rotation candidate

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terminal equipments when said rotation candidate terminal equipments are determined and directs said rotation candidate terminal equipments to display said messages (figure 5).

Claims 7 and 8 are similar to claim 1, therefore are also rejected under the same rationale.

Regarding claim 9, Ballard teaches a terminal equipment as set forth in claim 8, wherein after having executed said backup process of said data stored in said memory on said administrative unit, said control means downloads whole data relevant to operating environments associated with another apparatus associated with another terminal equipment (col. 2, lines 6-17; col. 5, lines 12-41; col. 6, lines 31-64).

Regarding claim 10, Kokai teaches a terminal equipment as set forth in claim 8, wherein said control means sends a reply message indicating that said terminal equipment is in operation when said control means receives an operation confirming message (abstract).

Regarding claims 11-16 are similar to claim 1, therefore are also rejected under the same rationale.

Regarding claim 17, Ballard teaches a computer readable recording medium as set forth in claim 16, having recorded further a program for rendering said computer operable to execute: downloading whole data relevant to operating environments associated with another computer

from said administrative unit for storage after having performed said backup process (col. 2, lines 6-17; col. 5, lines 12-41; col. 6, lines 31-64).

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alina N. Boutah whose telephone number is 571-272-3908. The examiner can normally be reached on Monday-Friday (9:00 am - 5:00 pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David A. Wiley can be reached on 571-272-3923. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

*ANB*

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